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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,841

10/23/2003

Mohammed Samji

MSFT121753

6685

28319

7590

04/27/2006

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EXAMINER

LY, ANH

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/691,841	Applicant(s) SAMJI ET AL.	
	Examiner Anh Ly	Art Unit 2162	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-55.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 2/28/06 & 3/31/06
13. ☐ Other: _____.


JEAN M. CORRIELLUS
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

Examiner maintains the rejection.

Applicants argued that, "Neither Matsubara, nor Cohen, nor the combination of the two, teaches or suggests sharing items "based on the results of said query." (Page 3, lines 1-2).

Matsubara et al. of Pub. No.: US 2004/0148434 (hereinafter Matsubara) teaches the file sharing system cooperate with the server system to facilitate manipulations to the virtual directory, which is containing a plurality of referenced items, access control list containing an ordered list of rules and providing to limit access to a file and access control such as read, write, modify delete...can be based on the individuals or groups and access control defining the individuals or groups of individual being had access capability to access the file, sharing the file over the Internet network for peer-to-peer file sharing based on the ACL and access rights to the shared files. Cohen et al. (hereinafter Cohen) in "A case for Associative Peer to Peer Overlays" teaches a P2P network, where the shared items of all peers are indexed in a single location including a search mechanism having searching scope and supporting for partial match query. A P2P user sends a query for searching the shared file item and the results of the queries are returned (Page 95, abstract and Introduction section).

One having ordinary skill in the art would have found it motivated to utilize the use of search mechanism included in the P2P network to issue a query including a scope and search criteria as disclosed (Cohen's Page 95), into the system of Matsubara for the purpose of having search index and query processing, as well as the downloads objects or files in the P2P file sharing system that distributed among peers (Cohen's Page 95).

Applicants argued that, "Claim 5, ... "wherein the list is a dynamic list." Neither Matsubara, Cohen, or Benowitz teaches or suggests using a dynamic list to share items." (Page 3, lines 12-13 and Page 4, lines 10-11).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "share items") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). However, Benowitz et al. of Pub. No. US 2003/0236847 A1 (hereinafter Benowitz) teaches a dynamic email addresses list that can be controllable by the receiver, and it can be altered at any time by the recipient to effectively control incoming email (sections 0013 and 0018-0019). Email addresses are non-file items.